



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/656,631	09/04/2003	Jean-Marie Gatto	CYBS5872	8128

22430 7590 09/13/2007
YOUNG LAW FIRM, P.C.
ALAN W. YOUNG
4370 ALPINE ROAD
SUITE 106
PORTOLA VALLEY, CA 94028

EXAMINER

THOMASSON, MEAGAN J

ART UNIT	PAPER NUMBER
----------	--------------

3714

MAIL DATE	DELIVERY MODE
-----------	---------------

09/13/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/656,631

Applicant(s)

GATTO ET AL.

Examiner

Meagan Thomasson

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 June 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12, 63-65, 71 and 78-110 is/are pending in the application.
- 4a) Of the above claim(s) 13-62 and 66-70 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12, 63-65, 71 and 78-110 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892).
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application
- ☐ Other: _____.

DETAILED ACTION

Allowable Subject Matter

The indicated allowability of claims 6,7,65,71 and 78 is withdrawn in view of the newly discovered reference(s) to Mockapetris "Analysis of Reliable Multicast Algorithms for Local Networks" and Nguyen (US 2004/002385 A1). Rejections based on the newly cited reference(s) follow.

Response to Amendment

The examiner acknowledges the amendments made to claims 1,3,64,65,71 and 78. New claims 79-110 have been added.

Claim Objections

Claim 71 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Specifically, claim 71 has been amended to depend from claim 19. However, claim 19 is currently **withdrawn** by the applicant; thus claim 71 cannot depend from claim 19. For purposes of examination, the examiner will assume claim 71 depends from independent claim 1.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 4 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 4 recites the limitation "the game payload" in line 2. Claim 1, from which claim 4 depends, recites "the inbound game payload" and "the outbound game payload", rendering it unclear to the examiner which game payload is being referred to in claim 4.

Claim 71 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 71 recites the limitation "the plurality of gaming machines" in line 2. There is insufficient antecedent basis for this limitation in the claim. Claim 1, from which claim 71 depends, recites "at least one gaming machine" but does not require a plurality of gaming machines.

Claim 71 recites the limitation "the N geographically dispersed central servers" in lines 2-3. There is insufficient antecedent basis for this limitation in the claim. Claim 1, from which claim 71 depends, recites "at least two central servers" but does not require that said server are geographically dispersed.

Art Unit: 3714

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-12,63-65,71 and 78-110 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mockapetris "Analysis of Reliable Multicast Algorithms for Local Networks" (USC Information Sciences Institute,1983), herein referred to as Mockapetris, in view of Nguyen (US 2004/0002385 A1).

Regarding claims 1,108 Mockapetris discloses an online system and method comprising a communication network, at least two central servers, each of the at least two servers being coupled to the network, at least one client terminal coupled to the at least two central servers through the communication network in a client-server configuration in which each of the at least one gaming machine is a client to the at least two central servers, each of the at least one client terminals being configured to carry out a transaction and to commit each transaction to each of the at least two central servers by sending a separate transaction packet to each of the at least two central

Art Unit: 3714

servers, each of the separate transaction packets sent to each of the at least two central servers include an inbound payload, wherein each of the at least two central servers, upon receipt of the inbound game payload, are configured to return an outbound payload to the gaming machine having sent the transaction packet, the outbound payload enabling the client terminal having sent the transaction packet to complete the transaction.

Specifically, Mockapetris discloses a multicast algorithm for communication networks wherein redundant copies of a data packet are transmitted from a single client terminal to multiple servers (P. 150, col. 2, 1st paragraph, "a given transmission goes to all destinations"; 3rd paragraph, "Multicast queries enable multiple servers to process queries in parallel ... multicast allows for rapid update of redundant copies). Further, in the multicast system disclosed by Mockapetris, each server having received said transmission responds by returning an outbound transmission to the gaming machine having sent the transaction packet (P. 152, Multicast Implementations, actions 2-4; including "Generation and transmission of acknowledgements from receivers to the sending host"). The acknowledgements received by the client terminal enable completion of the transaction (P. 152, Multicast Implementations, action 5; "Acknowledgement processing at the sending host").

Mockapetris does not disclose the implementation of the multicast system in a gaming system, wherein the client terminal is a gaming machine configured to play at least one game and to carry out a game transaction for each game played, and further that the inbound data packet is a game payload. However, in an analogous network

Art Unit: 3714

communication system, Nguyen discloses a client terminal, i.e. gaming machine **302**, connected to at least two central servers (host server **328**, cashless system server **144**, progressive system server **147**), wherein the gaming machine is configured to play at least one game, to carry out a game transaction for each game, and to commit each game transaction to a central server via transmission of a data packet (§ 0017, § 0019, § 0039). Further, Nguyen specifically discloses there may be more than one host server in the communications network (§ 0039). Therefore, it would have been obvious to one of ordinary skill in the art to combine the multicast data transmission system of Mockapetris with the gaming communications system of Nguyen as all the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yielded predictable results.

Regarding claims 2,80, Mockapetris discloses each of the at least two central servers returns a game transaction commit acknowledgement to the at least one gaming machine (P. 152, Multicast Implementations action 4).

Regarding claims 3,81,96 *Mockapetris does not specifically disclose acknowledging to a player the validity of a game transaction upon receipt of the at least one game transaction commit acknowledgment during a predetermined timeout period.* However, Mockapetris does disclose the use of timeout periods on P. 153, 1st paragraph, wherein the system requires “restrictions on the packet lifetime”. Nguyen discloses the gaming machine is configured to acknowledge to a player a validity of the game transaction upon receipt of at least one game transaction commit

Art Unit: 3714

acknowledgement in that the receipt of data transmitted from the server to the gaming terminal enables game play, e.g. cashless transaction authorizations (§§0049, §§0068) thus the enabling of game play is in itself an acknowledgement to a player of the validity of the game transaction.

Regarding claims 4,82,97 Mockapetris inherently discloses that the payload includes at least one of a machine ID, a user/player ID, a transaction GUID, a machine originating/return address, a game ID, a game bet and an amount wagered. That is, the communication system disclosed by Mockapetris includes the generation and transmission of acknowledgements from receivers to the sending host (P. 152, Multicast Implementations action 4). Therefore, the receiving server must receive a data transmission containing an originating/return address in order to transmit an acknowledgement of receipt of said data transmission to the sending host.

Regarding claims 5,83,98 Nguyen discloses the at least one gaming machine is configured to be an active participant in a fault tolerance of the online gaming system. That is, Nguyen discloses the ability of the DCU to choose a data transmission path by which gaming data is sent to the central server in the event of a communication disruption, or fault (§§0084-0088). Further, Nguyen discloses an embodiment of the invention wherein the DCU may be located on a gaming machine (§§0091).

Regarding claims 6,7,84,99,100 Nguyen discloses the at DCU is configured to record a synchronization log that includes identifiers of any transactions that were not acknowledged by a non-responding one of the central servers, the synchronization log being used to subsequently send the unacknowledged transactions to the non-

Art Unit: 3714

responding one of the at least two central servers, wherein the non-responding central server is configured to be synchronized by receiving the unacknowledged transactions directly from the DCU subsequent to communication begin re-established therewith (abstract, ¶0043, ¶0089). Further, as previously stated, the DCU may be located on a gaming machine (¶0091).

Regarding claims 8,85,101 Nguyen discloses the communication network is the internet (¶0111). *Nguyen does not specifically disclose a protocol to transport a payload of each game transaction is UDP.* However, Nguyen does disclose the ability to support multiple data transport protocols (¶0103). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to utilize UDP as the protocol to transport a payload of each game transaction. Additionally, the UDP protocol is well known in the gaming art, as evidenced by Traversat et al., (US 2002/0147771 A1), in ¶0150.

Regarding claims 9,86,102 *Nguyen does not specifically disclose the at least two central servers and the at least one gaming machine are configured to support instant-draw and deferred-draw of random events.* Nguyen does disclose that a gaming machine is configured to instantly determine a game outcome, e.g. in a slot machine embodiment the gaming terminal is configured to randomly determine and present a game outcome to a player (¶0003). However, it is notoriously well known in the art to enable a gaming machine to support instant-draw events, e.g. slot machine type events wherein a result is instantly determined and displayed to a player, and deferred-draw events, e.g. keno type events wherein there may be some lapse of time between when

Art Unit: 3714

a player places a wager and the actual determination of a random event such as the drawing of the winning keno numbers, as evidenced by LeMay et al. (US 2004/0063495 A1). LeMay discloses a network gaming system configured to support both instant-draw and deferred-draw of random events (i.e. slot machine games and keno-type games), as shown in Fig. 16 and Fig. 17, respectively. Therefore, it would have been obvious to one of ordinary skill in the art to provide this capability to the instant invention as it is notoriously well known to do so in order to increase player gaming choices at a single gaming terminal.

Regarding claims 10,87,103 Nguyen discloses a remote communications network wherein gaming terminals are linked to a remote host server (§0004), and that there may be multiple host servers (§0039). Therefore, it would have been obvious to one of ordinary skill in the art to allow the at least two central servers to be remote from one another.

Regarding claims 11,12, 88,89,104,105 Nguyen discloses the DCU comprises a trusted transactional cache, the trusted transactional cache being configured to process each committed game transaction received directly and independently from each of the at least one gaming machine, and to provide real time persistent storage and logging of aspects of each committed game transaction (§0045, §0077, §0079).

Regarding claims 63,90,106 Nguyen discloses the gaming terminal is configured to initiate and terminate the game transaction (§0003), wherein a player may begin play by placing a wager or terminal play by cashing out, as is the standard operating method of slot machine gaming devices.

Regarding claim 64,91,107 Nguyen discloses the at least one gaming machine is configured as sole master of the game transaction as, as shown in Fig. 1, the master gaming controller **108** is located within the gaming machine **102**, wherein “the master gaming controller **108** typically controls the game play on the gaming machine **102**” (¶0012).

Regarding claims 65,71,92 Nguyen discloses an embodiment of the online gaming system wherein only the at least one gaming machine is configured for recovery from network communication errors occurring during the game transaction. That is, Nguyen discloses an embodiment of the system wherein the DCU mitigates transaction errors (¶0023) and the DCU is located on a gaming machine (¶0091).

Regarding claims 78,93, Nguyen discloses a synchronization engine and wherein the non-responding one of the at least two central servers is configured to be synchronized by receiving the unacknowledged transactions directly from the synchronization engine of a responding one of the at least two central servers. That is, Nguyen discloses the at DCU is configured to record a synchronization log that includes identifiers of any transactions that were not acknowledged by a non-responding one of the central servers, the synchronization log utilized via means for subsequently sending the unacknowledged transactions to the non-responding one of the at least two central servers, wherein the non-responding central server is configured to be synchronized by receiving the unacknowledged transactions directly from the DCU subsequent to communication begin re-established therewith (abstract, ¶0043, ¶0089).

Regarding claim 79, please see claims 1 and 6 above.

Art Unit: 3714

Regarding claim 94, please see claims 1 and 65 above.

Regarding claim 95, please see claim 1 above.

Regarding claim 109, please see claims 1 and 6 above.

Regarding claim 110, please see claims 1 and 65 above.

Response to Arguments

Applicant's arguments with respect to claims 1-12,63-65,71 and 78-110 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Pertinent prior art includes:


- LeMay et al. (US 2004/0063495 A1), used as evidence to show obviousness of enabling a gaming machine to support instant-draw events, e.g. slot machine type events wherein a result is instantly determined and displayed to a player, and deferred-draw events, e.g. keno type events wherein there may be some lapse of time between when a player places a wager and the actual determination of a random event such as the drawing of the winning keno numbers.
- Yen (US 5,890,963), drawn to a system and method for maintaining continuous and progressive game play in a computer network.

Art Unit: 3714

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Meagan Thomasson whose telephone number is (571) 272-2080. The examiner can normally be reached on M-F 830-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on (571) 272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Robert E Pezzuto
Supervisory Patent Examiner
Art Unit 3714

Meagan Thomasson
September 5, 2007